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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,859	12/13/2001	Bart C. Tewksbury	1282.1	3909

7590

05/17/2006

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EXAMINER

TOPGYAL, GELEK W

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,859	TEWKSBURY, BART C.	
	Examiner	Art Unit	
	Gelek Topgyal	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Claim 3 is objected to because of the following informalities:

Page 13, line 16 shows "conntroller", this should be corrected to "controller".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Giraud (US 5,966,696).

Regarding claim 1, Giraud teaches a video advertising display system comprising: one or more display monitors used to present audio-visual advertising images (Fig. 1, element 12 shows an display unit); one or more video devices which can playback stored audiovisual advertising and informational data (Fig. 1, element 36, and col. 5, lines 15-26 teaches memory means 36 that stores audiovisual advertisement information to be displayed); one or more control means for initiating playback of the stored audio-visual advertising and informational data (Fig. 1, sensing system 38 and col. 5, line 45 - col. 6, line 24 teaches that when a person is detected by the motion sensor 30, part of the sensing system 38, playback of the advertisement is initiated); and a video playback controller connected to the one or more control means for

initiating playback and to the one or more video devices to initiate a control signal to begin the playback sequence by the one or more video devices of the stored audiovisual advertising and informational data (Col. 4, line 49 – col. 5, line 26 teaches a computing means 28 which includes a microprocessor that controls the playback of the audiovisual information from the storage medium 36. Storage medium 36 includes optical drives, hard disk drives, and solid-state memory devices).

Regarding claim 2, Giraud teaches in col. 5, line 45 – col. 6, lines 24 of a motion sensor that senses the presence of a user.

Regarding claim 3, Giraud teaches in col. 4, lines 12-34 that only when the motion sensor detects a user, the advertisement is displayed.

Regarding claim 5, Giraud teaches in col. 4, lines 35-48 of the systems ability to generate sound by way of a sound card 24 (Fig. 1).

Regarding claim 6, Giraud teaches the video advertising display system of claim 1, wherein said one or more motion detectors include an invisible light beam producer and sensor in line with a reflective mirror, which sensor will detect a disturbance in the reflection of the light beam when a viewer passes through the light beam (Col. 5, line 45 – col. 6, line 24 teaches that the motion sensors 30 can be an optical sensors. Optical sensors function in the same manner as claimed above.)

Regarding claim 8, Giraud teaches in col. 5, lines 15-26 that the audiovisual information can be stored on an optical drive, a DVD meets the limitation of an optical drive. Fig. 1, element 36 (optical drive (DVD)) shows that a DVD can be used as a video device.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giraud (US 5,966,696) in view of Barben, Jr. et al. (US 5,646,594).

Regarding claim 4, Giraud teaches a system that initiates playback of audiovisual advertisement information when the motion sensors 30 detect the presence of a user, but Giraud expressly fails to teach a control switch manually actuated by a user to initiate a control signal to begin the playback sequence by a video device of the stored audiovisual advertising information.

Barben, Jr. et al. teaches a similar system that uses infrared motion detectors that triggers another function. Barben, Jr. et al. teaches a manual control switch (Fig. 1, element 8) that has the ability to set the position of the switch to "ON", "AUTO" and "OFF". Setting the manual control switch to the "ON" position will trigger a function regardless of the output from the infrared motion detectors.

Barben, Jr. et al. discloses in col. 1, lines 56-61 of the motivation to use his invention within a store advertisement display system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the manual control switch capability as taught by Barben, Jr. et al. into the advertisement display system of Giraud so that the user has

more control over the display of the system. At times when a store is very busy, it would be desirable to set the advertisement display to be continuously "ON" to attract customers.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giraud (US 5,966,696).

Regarding claim 7, Giraud teaches in col. 5, lines 15-26 that the audiovisual information can be stored on an optical drive. In Fig. 1, element 36 (optical drive (DVD)) is the source for the audiovisual information. However, Giraud fails to expressly teach that a video tape player can be used as the device to playback the audiovisual information.

It is old and well known in the art to use a video tape player as a source for audiovisual information. Videocassette tapes have the ability to store audiovisual information, and the information can be reproduced by using a video tape player. Videocassette tapes are also relatively cheaper than DVDs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to use a video tape player as a source of audiovisual information into the system of Giraud because videocassette tapes are cheaper than DVDs, and thereby improves cost efficiency of the system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references teach systems that trigger advertisement display function when the presence of a user is detected by way of a motion detector.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gelek Topgyal
5/10/2006


THAI TRAN
PRIMARY EXAMINER